

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:13-cv-00246-MR-DLH

STEVE VAN DUYN,

Plaintiff,

VS.

**INNOVATIVE MILL WRIGHT
SERVICES, INC.,**

Defendant.

ORDER

THIS MATTER is before the Court on the Defendant's Motion to Dismiss [Doc. 11] and the Magistrate Judge's Memorandum and Recommendation [Doc. 21] regarding the disposition of that motion.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider the motion to dismiss and to submit a recommendation for its disposition.

On March 19, 2014, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed conclusions of law in support of a recommendation regarding the Defendant's motion. [Doc. 21]. The parties were advised that any objections to the Magistrate Judge's

Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The Plaintiff's counsel moved to withdraw from the case on March 24, 2014 [Doc. 22], and the Court granted such motion on March 27, 2014 [Doc. 23]. In his Order, the Magistrate Judge indicated that "[a]ny objections to the Court's Memorandum and Recommendation issued March 19, 2014, must still be filed by Plaintiff or Plaintiff's new counsel by April 7, 2014." [Doc. 23]. This Order was sent to the Plaintiff. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

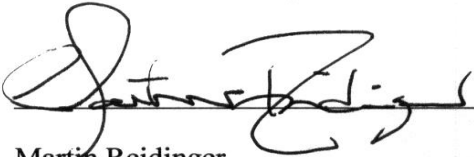
After a careful review of the Magistrate Judge's Recommendation [Doc. 21], the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the Defendant's Motion to Dismiss [Doc. 11] should be granted.

ORDER

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation [Doc. 21] is **ACCEPTED** and the Defendant's Motion to Dismiss [Doc. 11] is **GRANTED**. This case is hereby **DISMISSED**.

IT IS SO ORDERED.

Signed: August 27, 2014


Martin Reidinger
United States District Judge

